

I. REAL PARTY IN INTEREST	1
II. RELATED APPEALS AND INTERFERENCES	2
III. STATUS OF CLAIMS.....	2
IV. STATUS OF AMENDMENTS	2
V. SUMMARY OF CLAIMED SUBJECT MATTER.....	2
VI. ISSUES TO BE REVIEWED ON APPEAL.....	5
VII. THE ARGUMENT	5
VIII. CLAIMS APPENDIX	11
IX. EVIDENCE APPENDIX	16
X. RELATED PROCEEDINGS APPENIX	17

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/730,330

Filing Date: 12/8/2003

Applicant(s): Thomas E. Creamer, Neil Katz, Victor S. Moore
and Scott Winters

Entitled: OPERATING A CALL CENTER BASED UPON LINE
INFORMATION DATABASE (LIDB) DATA

Examiner: Knowlin, Thjuan P.

Group Art Unit: 2614

Attorney Docket No.: BOC920030109US1 (1082-013U)

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief in support of the Notice of Appeal filed concurrently herewith in response to the non-final office action dated January 11, 2008 in which Examiner re-opened prosecution subsequent to the entry of the Appeal Brief dated August 20, 2007. As this Appeal Brief has been timely filed within the shortened statutory period of one month from the date of the Notice of Non-compliant Appeal Brief, no extension of time under 37 C.F.R. § 1.136 is required. Notwithstanding, please charge any shortage in fees due under 37 C.F.R. §§ 1.17, 41.20, and in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-3839, and please credit any excess fees to such deposit account.

Date: May 16, 2008

Respectfully submitted,

/Steven M. Greenberg/

Steven M. Greenberg
Registration No. 44,725
Customer Number 46322
Carey, Rodriguez, Greenberg & Paul, LLP
950 Peninsula Corporate Circle, Suite 3020
Boca Raton, FL 33487
Tel: (561) 922-3845
Facsimile: (561) 244-1062

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/730,330

Filing Date: 12/8/2003

Applicant(s): Thomas E. Creamer, Neil Katz, Victor S. Moore
and Scott Winters

Entitled: OPERATING A CALL CENTER BASED UPON LINE
INFORMATION DATABASE (LIDB) DATA

Examiner: Knowlin, Thjuan P.

Group Art Unit: 2614

Attorney Docket No.: BOC920030109US1 (1082-013U)

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed concurrently herewith, wherein Appellants appeal from the Examiner's rejection of claims 1 through 17.

I. REAL PARTY IN INTEREST

This application is assigned to International Business Machines Corporation by assignment recorded on December 8, 2003, at Reel 014777, Frame 0038.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 1 through 17 are pending in this Application and have been thrice rejected. It is from the multiple rejections of claims 1 through 17 that this Appeal is taken.

IV. STATUS OF AMENDMENTS

The claims have not been amended subsequent to the imposition of the Final Office Action dated March 23, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed to a call center, independent claims 4 and 9 are directed to methods for processing a call in a call center using information stored in a LIDB, and independent claims 11 and 16 each are directed to a machine readable storage having stored thereon a computer program for processing a call in a call center using information stored in a LIDB in a PSTN.

In accordance with the Appellants' invention, a call center can be operably configured to retrieve a key into a customer information database from an LIDB disposed within a PSTN. In accordance with the Appellants' invention, a call center (Figure 2, Element 290) can be coupled to a gateway node (Figure 2, Element 250), between a PSTN (Figure 2, Element 200) and a data communications network (Figure 2, Element 270). The LIDB (Figure 2, Element 260) can be disposed within the PSTN and can be configured to store a key into a customer record stored

within an enterprise data driven application coupled to the call center (Par. [0011], lines 1-5). In this way, when an incoming call is processed in the PSTN to connect to the call center, the key stored within the LIDB can be delivered to the call center through the gateway node with which a customer record can be retrieved for the incoming call (Par. [0011], lines 9-14).

With specific reference to claim 1, a call center can include at least one phone handset coupled to a gateway to a PSTN, (Par. [0021]) an enterprise application associated with said at least one handset (Par. [0017]) and at least one data terminal coupled to said enterprise application and disposed in proximity to each of said at least one handset (Figure 2, Element 290), a database of caller information coupled to said enterprise application, each record in said database having a configuration for location based upon a searching key, (Par. [0017]) at least one LIDB disposed in said PSTN and configured to store individual searching keys, (Par. [0017]) each of said individual searching keys having an association with a corresponding subscriber to said PSTN, a gateway node communicatively linked both to said PSTN and said enterprise application (Par. [0017]), and a query interface to said enterprise application programmed to select records in said database of caller information based upon an individual searching key received from said LIDB through said gateway node. (Par. [0017])

With specific reference to claim 4, a method for processing a call in a call center using information stored in a LIDB can include, for selected ones of subscribers to the PSTN, storing within subscriber records in the LIDB a searching key into an enterprise application disposed externally to the PSTN (Par. [0020]), and during an attempt to establish a call between a subscriber to the PSTN and the call center (Figure 3, Element 310), retrieving from the LIDB a

searching key corresponding to the subscriber (Figure 3, Element 330) and forwarding said searching key to said enterprise application for use in retrieving call information stored externally to the PSTN. (Figure 3, Elements 330 to 350)

With specific reference to claim 9, a method for processing a call in a call center using information stored in a LIDB can include, for selected ones of subscribers to the PSTN, storing within subscriber records in the LIDB a searching key into an enterprise application disposed externally to the PSTN (Par. [0020]) and, during an attempt to establish a call between a subscriber to the PSTN and the call center (Figure 3, Element 310), retrieving from the LIDB a searching key corresponding to the subscriber (Figure 3, Element 330) and forwarding said searching key to said enterprise application for use in retrieving call information stored externally to the PSTN. (Figure 3, Elements 330 to 350).

With specific reference to claim 11, a machine readable storage having stored thereon a computer program for processing a call in a call center using information stored in a LIDB can include a routine set of instructions which when executed by the machine cause the machine to retrieving a searching key from the LIDB associated with the call (Figure 3, Element 330), query an enterprise application based upon said retrieved searching key to retrieve caller data (Figure 3, Element 340), and present the caller data to a call center operator processing the call. (Figure 3, Element 350)

With specific reference to claim 16, a machine readable storage having stored thereon a computer program for processing a call in a call center using information stored in a LIDB in a

PSTN can include a routine set of instructions which when executed by the machine cause the machine to, for selected ones of subscribers to the PSTN, store within subscriber records in the LIDB a searching key into an enterprise application disposed externally to the PSTN (Par. [0020]), and, during an attempt to establish a call between a subscriber to the PSTN and the call center, retrieve from the LIDB a searching key corresponding to the subscriber (Figure 3, Element 330) and forwarding said searching key to said enterprise application for use in retrieving call information stored externally to the PSTN (Figure 3, Elements 340 and 350).

VI. ISSUES TO BE REVIEWED ON APPEAL

1. Claims 1 through 17 are not unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. US 2004/0264673 by Novack in view of U.S. Patent No. 6,959,263 to Wilson et al. (Wilson).

VII. THE ARGUMENT

THE REJECTION OF CLAIMS 1 THROUGH 17 UNDER 35 U.S.C. § 103(A) OVER NOVACK IN VIEW OF WILSON.

For convenience of the Honorable Board in addressing the rejections, claims 2 and 3 stand or fall together with independent claim 1, claims 5 through 8 stand or fall together with independent claim 4, claim 10 stands or falls together with independent claim 9, claims 12 through 15 stand or fall together with independent claim 10, and claim 17 stands or falls together with independent claim 16.

I. Wilson Does Not Teach a Query Interface to an Enterprise Application. Wilson Does Not Teach Querying an Enterprise Application. Wilson Does Not Teach Forwarding a Search Key to an Enterprise Application.

Presently, claim 1 reads as follows:

1. A call center comprising:

at least one phone handset coupled to a gateway to a public packet switched telephone network (PSTN);

an enterprise application associated with said at least one handset and at least one data terminal coupled to said enterprise application and disposed in proximity to each of said at least one handset;

a database of caller information coupled to said enterprise application, each record in said database having a configuration for location based upon a searching key;

at least one line information database (LIDB) disposed in said PSTN and configured to store individual searching keys, each of said individual searching keys having an association with a corresponding subscriber to said PSTN;

a gateway node communicatively linked both to said PSTN and said enterprise application; and,

a query interface to said enterprise application programmed to select records in said database of caller information based upon an individual searching key received from said LIDB through said gateway node.

In the Appeal Brief dated August 20, 2007 (the "Appeal Brief"), the Appellants observed that Figure 1 of Novack failed to teach or suggest a "query interface" to an "enterprise application" as originally argued by Examiner. In re-opening prosecution in the Non-Final Office Action dated January 11, 2008 (the "New Office Action"), the Examiner conceded the point on page 4 of the New Office Action. However, on that same page, Examiner referred to Figures 1 and 3 and column 2, lines 4-19 and column 5, line 64 to column 6, line 20 of Wilson to cure the admitted deficiency of Novack.

For the convenience of the Honorable Board, the entirety of column 2, lines 4-19 are reproduced herein in its entirety:

To make clear the shortcomings of the current situation, refer to FIG. 1. Consider the scenario of an end user 101 of a cable modem Internet service who is unable to connect to the Internet 106 from his home computer. The user makes a phone call over the public switched telephone network 102 to the cable company to get assistance. **A support technician 100 is connected to the end user, and requests the customer's home phone number.** The technician queries a Customer Relationship Management (CRM) application 110 using the end user's phone number to obtain customer information, which is stored in a relational database 115. The technician confirms the end user's identity and then asks the customer to hold for a moment. Using a network management software system 130 the technician looks up the customer's Internet Protocol (IP) address and the machine ID of the cable modem 105.

Thus, it will be clear from a plain reading of column 2, lines 4-19 that the "support technician 100" connects to the user over the Internet with a computer and asks for the "customer's home phone number". This is a far cry from "based upon an individual searching key received from said LIDB through said gateway node" as expressly required by the Appellants' claim language. Further, the acronym LIDB, representative of Line Item Database is a term of art well established amongst skilled artisans and could not possibly be confused for a "support technician".

Continuing, again for the convenience of the Honorable Board, the entirety of column 5, lines 64- column 6, lines 20 is reproduced herein in its entirety:

The DialogBots are standalone software modules which receive events from the PBX and send them to the ExecuBot 310, which in turn serves as the communications processor 210 described above. DialogBots are also able to receive commands from the ExecuBot when necessary, such as "Ask the customer for his phone number, and return the value received". It should be understood that the DialogBots, ExecuBots and other software modules (or "Bots") described herein can be written in any of a plurality of programming languages including, but not limited to, C, C++, C#, Java or Perl. When a DialogBot is notified of the call arrival, and of the ANI of the caller, it translates the information into an event which is comprehensible by the ExecuBot, and passes the event to the ExecuBot. The ExecuBot passes all events received from the DialogBots to the inference engine by calling a notification function of the inference engine 301 (the ability to call an inference engine in this fashion is well known within the art, and can be

accomplished with readily available expert engine systems such as CLIPS (www.clips.org). The ANI and the call arrival are asserted as facts in the inference engine, and these said facts are added to the knowledge base 300. In the standard way well known in the art, these fact assertions cause the inference to search for any rules that may be activated by the existence of these new facts.

Again, the term LIDB has a well-understood plain meaning and cannot be confused with an automated agent--namely a "DialogBot"--prompting a "customer for his phone number" as taught by the foregoing passage.

Figures 1 and 3 add no teaching express or implied that cure the admitted deficiencies of Novack--namely a query interface to said enterprise application programmed to select records in said database of caller information based upon an individual searching key received from said LIDB through said gateway node.

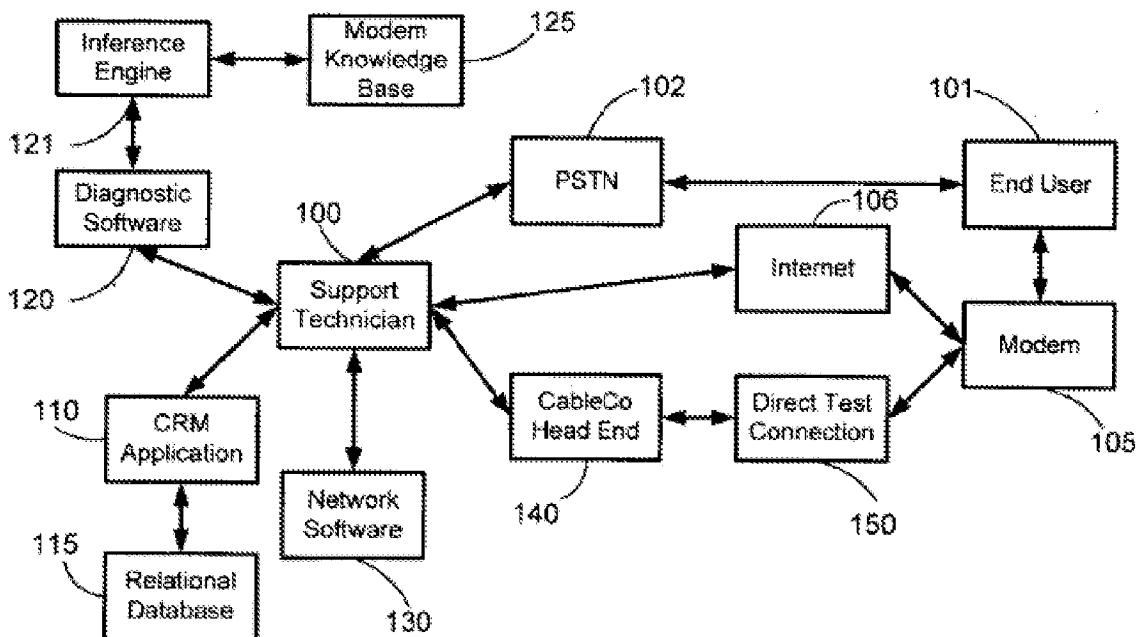


FIG. 1

PRIOR ART

Specifically, Figure 1 as shown above clearly lacks an indication of the presence of a LIDB returning a search key to a query interface as explicitly recited in claim 1.

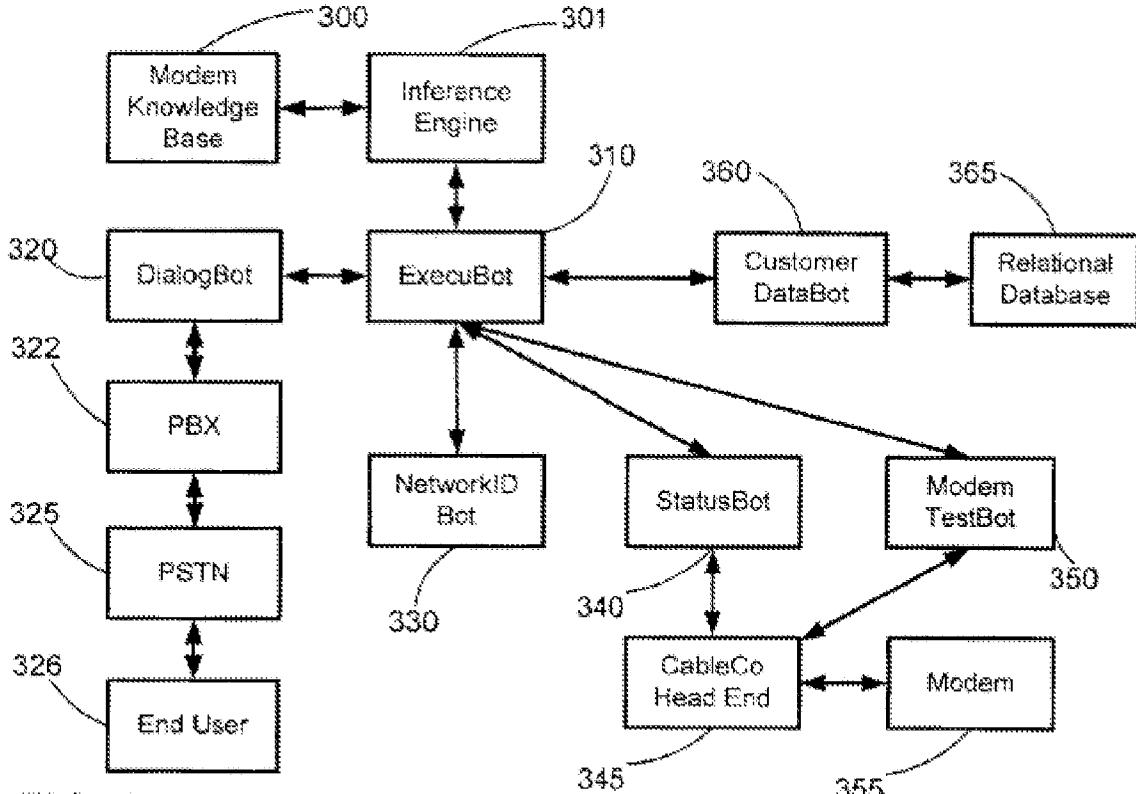


FIG. 3

Figure 3 similarly lacks such a feature and differs from Figure 1 only in that the technician of Figure 1 -- a real person -- is replaced by a software agent, the "ExecuBot". Even still, no teaching is evident in Figures 1 and 3 that shows "based upon an individual searching key received from said LIDB through said gateway node."

Examiner attempts to prove the contrary by directly equating the "Inference Engine 301" to the LIDB--an absurdity to the skilled artisan. There is no excuse for Examiner's mischaracterization of the term LIDB. Examiner's own cited art clearly sets forth what a LIDB is in paragraph [0062] of Novack in which it is stated,

[0062] The databases associated with the service intelligent peripheral 170 may be any database that stores information for the service intelligent peripheral 170. In an embodiment, a database associated with the service intelligent peripheral 170 may be a Public Safety database of the type used by emergency call centers, or a **Line Information Database (LIDB)**. The database may store full textual representations of a subscriber name and address or, in the alternative,

abbreviations so that data may be efficiently stored. Data corresponding to subscribers of multiple telecommunications service providers may be divided among many databases dispersed in an advanced intelligent network by any criteria, such as different telecommunications service providers, and geography.

Thus, Examiner knew that the "Inference Engine 301" could never be compared to a LIDB yet Examiner chose to do so anyhow.

Importantly, independent claims 4, 9, 11 and 16 similarly require the retrieval of searching keys from a LIDB and the querying of the enterprise application with the retrieved search key. However, in that the Examiner has plainly failed to produce evidence of a teaching of retrieving search keys from a LIDB and using those search keys to query the enterprise application, Examiner has similarly failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a)

II. Conclusion

Based upon the foregoing, Appellants respectfully submit that the Examiner's rejections under 35 U.S.C. § 103(a) based upon the applied prior art are not viable. Appellants, therefore, respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. § 103(a).

Date: April 9, 2008

Respectfully submitted,

/Steven M. Greenberg/

Steven M. Greenberg
Registration No. 44,725
Customer Number 46322
Carey, Rodriguez, Greenberg & Paul, LLP
950 Peninsula Corporate Circle, Suite 3020
Boca Raton, FL 33487
Tel: (561) 922-3845
Facsimile: (561) 244-1062

VIII. CLAIMS APPENDIX

1. (Previously Amended) A call center comprising:
 - at least one phone handset coupled to a gateway to a public switched telephone network (PSTN);
 - an enterprise application associated with said at least one handset and at least one data terminal coupled to said enterprise application and disposed in proximity to each of said at least one handset;
 - a database of caller information coupled to said enterprise application, each record in said database having a configuration for location based upon a searching key;
 - at least one line information database (LIDB) disposed in said PSTN and configured to store individual searching keys, each of said individual searching keys having an association with a corresponding subscriber to said PSTN;
 - a gateway node communicatively linked both to said PSTN and said enterprise application; and,
 - a query interface to said enterprise application programmed to select records in said database of caller information based upon an individual searching key received from said LIDB through said gateway node.
2. (Original) The call center of claim 1, wherein each of said individual searching keys comprises a combination of a caller name and a caller address.
3. (Original) The call center of claim 1, wherein said enterprise application comprises a customer relationship management application.

4. (Original) A method for processing a call in a call center using information stored in a line information database (LIDB), the method comprising the steps of:

retrieving a searching key from the LIDB associated with the call;

querying an enterprise application based upon said retrieved searching key to retrieve caller data; and,

presenting said caller data to a call center operator processing the call.

5. (Original) The method of claim 4, wherein said retrieving step comprises the step of retrieving said searching key from a gateway node disposed intermediately between the LIDB in a public switched telephone network (PSTN) and said enterprise application.

6. (Original) The method of claim 5, wherein said retrieving step further comprises the steps of:

retrieving a combined name and address associated with the call from said gateway node; and,

passing said combined name and address to said querying step as said retrieved searching key.

7. (Original) The method of claim 4, further comprising the step of presenting an incomplete set of caller data where said searching key cannot be retrieved from the LIDB.

8. (Original) The method of claim 4, further comprising the step of routing the call to a particular operator based upon said retrieved searching key.

9. (Original) In a public switched telephone network (PSTN), a method for processing a call in a call center using information stored in a line information database (LIDB), the method comprising the steps of:

for selected ones of subscribers to the PSTN, storing within subscriber records in the LIDB a searching key into an enterprise application disposed externally to the PSTN; and,
during an attempt to establish a call between a subscriber to the PSTN and the call center, retrieving from the LIDB a searching key corresponding to the subscriber and forwarding said searching key to said enterprise application for use in retrieving call information stored externally to the PSTN.

10. (Original) The method of claim 9, wherein said forwarding step comprises the step of forwarding said searching key to said enterprise application via a gateway node coupled both to said enterprise application and the PSTN.

11. (Original) A machine readable storage having stored thereon a computer program for processing a call in a call center using information stored in a line information database (LIDB), the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of:

retrieving a searching key from the LIDB associated with the call;
querying an enterprise application based upon said retrieved searching key to retrieve caller data; and,
presenting said caller data to a call center operator processing the call.

12. (Original) The machine readable storage of claim 11, wherein said retrieving step comprises the step of retrieving said searching key from a gateway node disposed intermediately between the LIDB in a public switched telephone network (PSTN) and said enterprise application.

13. (Original) The machine readable storage of claim 12, wherein said retrieving step further comprises the steps of:

retrieving a combined name and address associated with the call from said gateway node; and,

passing said combined name and address to said querying step as said retrieved searching key.

14. (Original) The machine readable storage of claim 11, further comprising the step of presenting an incomplete set of caller data where said searching key cannot be retrieved from the LIDB.

15. (Original) The machine readable storage of claim 11, further comprising the step of routing the call to a particular operator based upon said retrieved searching key.

16. (Original) A machine readable storage having stored thereon a computer program for processing a call in a call center using information stored in a line information database (LIDB)

in a public switched telephone network (PSTN), the computer program comprising a routine set of instructions which when executed by the machine cause the machine to perform the steps of:

for selected ones of subscribers to the PSTN, storing within subscriber records in the LIDB a searching key into an enterprise application disposed externally to the PSTN; and,
during an attempt to establish a call between a subscriber to the PSTN and the call center, retrieving from the LIDB a searching key corresponding to the subscriber and forwarding said searching key to said enterprise application for use in retrieving call information stored externally to the PSTN.

17. (Original) The machine readable storage of claim 16, wherein said forwarding step comprises the step of forwarding said searching key to said enterprise application via a gateway node coupled both to said enterprise application and the PSTN.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.